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*Counsel for AMICI CURIAE*  
THE TRUCK RENTING AND LEASING ASSOCIATION,  
NATIONAL PROPANE GAS ASSOCIATION,  
WESTERN PROPANE GAS ASSOCIATION, AND  
PROPANE GAS ASSOCIATION OF NEW ENGLAND

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

STATE OF CALIFORNIA, et al.,	)	CASE NO. 4:25-cv-04966-HSG
	)	
<i>Plaintiffs,</i>	)	<b>NOTICE OF MOTION AND CONSENT</b>
	)	<b>MOTION OF THE TRUCK RENTING</b>
	)	<b>AND LEASING ASSOCIATION,</b>
v.	)	<b>NATIONAL PROPANE GAS</b>
	)	<b>ASSOCIATION, WESTERN PROPANE</b>
UNITED STATES OF AMERICA, U.S.	)	<b>GAS ASSOCIATION, AND PROPANE</b>
ENVIRONMENTAL PROTECTION	)	<b>GAS ASSOCIATION OF NEW</b>
AGENCY, LEE ZELDIN, in his official	)	<b>ENGLAND FOR LEAVE TO FILE AN</b>
capacity as Administrator of the U.S.	)	<b>AMICI CURIAE BRIEF IN SUPPORT OF</b>
Environmental Protection Agency, and	)	<b>DEFENDANTS' MOTION TO DISMISS</b>
DONALD J. TRUMP, in his official capacity	)	
as President of the United States,	)	Date: January 29, 2026
	)	Time: 2:00 p.m.
<i>Defendants.</i>	)	Courtroom: 2, 4th Floor, Oakland
	)	Courthouse
	)	Judge: Hon. Haywood S. Gilliam, Jr.

**NOTICE OF MOTION AND CONSENT MOTION FOR LEAVE TO FILE**  
**TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE THAT** that on January 29, 2026, at 2:00 p.m., or as soon thereafter as the matter may be heard in Courtroom 2 (4th Floor) of the above-named Court (Hon. Haywood S. Gilliam, Jr. presiding), located at 1301 Clay Street, Oakland, California 94612, the Truck Renting and Leasing Association, National Propane Gas Association, Western Propane Gas Association, and Propane Gas Association of New England will, and hereby do, move for leave to file an amici curiae brief. The amici brief is attached to this motion, as well as a proposed order granting this motion. Defendants and Plaintiff States both consent to the filing of amicus briefs on the scheduled entered by this Court. Doc. 162, ¶8.

Dated: November 24, 2025

Respectfully submitted,

/s/ David L. Rosenthal

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*Counsel for Amici Curiae*  
*The Truck Renting and Leasing Association,*  
*National Propane Gas Association,*  
*Western Propane Gas Association, &*  
*Propane Gas Association of New England*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. District courts have broad discretion to consider amicus briefs.**

The Court has broad discretion to permit third parties to participate in an action as amicus curiae. *Gerritsen v. de la Madrid Hurtado*, 819 F.2d 1511, 1514 n.3 (9th Cir. 1987); *Woodfin Suite Hotels, LLC v. City of Emeryville*, 2007 WL 81911, at \*3 (N.D. Cal. Jan. 9, 2007). Because no rule governs the acceptance of amicus briefs at the district court level, courts within the Ninth Circuit often turn to the Federal Rules of Appellate Procedure for guidance. *See, e.g., Cmty. Health Ctr. All. for Patient Access v. Lightbourne*, 2023 WL 1997233, at \*1 (E.D. Cal. Feb. 14, 2023) (citing Fed. R. App. P. 29). Rule 29 permits the filing of amicus briefs within “7 days after the principal brief of the party being supported is filed.” Fed. R. App. P. 29(a)(6).

Courts in this District “frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved or if the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (cleaned up). “Even when a party is very well represented, an amicus may provide important assistance to the court.” *Jamul Action Comm. v. Stevens*, 2014 WL 3853148, at \*6 (E.D. Cal. Aug. 5, 2014). “There are no strict prerequisites that must be established prior to qualifying for amicus status; an individual seeking to appear as amicus must merely make a showing that his participation is useful or otherwise desirable to the court.” *California v. DOI*, 381 F. Supp. 3d 1153, 1164 (N.D. Cal. 2019) “The touchstone is whether the amicus is helpful, and there is no requirement that amici must be totally disinterested.” *California v. DOL*, 2014 WL 12691095, at \*1 (E.D. Cal. Jan. 14, 2014) (cleaned up); *see also Funbus Sys., Inc. v. State of Cal. Pub. Utils. Comm’n*, 801 F.2d 1120, 1125 (9th Cir. 1986) (noting that there is no requirement that amici “be totally disinterested”).

### **II. The associations’ amici brief will aid the court’s analysis.**

The proposed amici curiae brief, from a coalition of associations that regularly provide amicus support, will benefit the Court. *See, e.g., U.S. Chamber of Commerce, TRALA, et al.*

Amici Br., *Diamond Alternative Energy, LLC v. EPA*, No. 24-7 (U.S. Aug. 7, 2024); NPGA Amici Br., *Enbridge Energy L.P. v. Whitmer*, No. 24-1608 (6th Cir. Nov. 22, 2024); NPGA Amici Br., *Bad River Band of the Lake Superior Tribe v. Enbridge Energy Co.*, Nos. 23-2309 & 23-2467 (7th Cir. Sept. 18, 2023); WPGA, et al. Amici Br., *Cal. Nat. Gas Vehicle Coal. v. State Air Res. Bd.*, No. F084229 (Cal. App. 5th July 5, 2023). In particular, the brief addresses critical Separation of Powers and statutory interpretation questions posed by Plaintiffs' claims alleging that the federal Defendants violated the Congressional Review Act by enacted joint resolutions that nullified three Environmental Protection Agency federal preemption waivers granted to California. The brief also highlights the practical impact of California's rules to control emissions from new motor vehicles and effectively phase the internal-combustion engine out of existence if the Court were to invalidate the CRA joint resolutions. The brief may be of particular use to the Court given the role Federalism and the Separation of Powers play as a structural protection of individual liberty and political accountability and thus, by extension, the potential ramifications that the issues before the Court may have beyond the parties to the cases. The truck renting/leasing and propane industries are also particularly well suited to speak to the practical effects of the EPA rules at the heart of this dispute on industry and consumers. Accordingly, the associations respectfully offer their analysis of these issues to assist the Court in its deliberations.

### **CONCLUSION**

Based on the foregoing, the Court should grant the associations' consent motion for leave to file the attached amici brief.

Dated: November 24, 2025

Respectfully submitted,

/s/ David L. Rosenthal

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*National Propane Gas Association,*  
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*Propane Gas Association of New England*

**CERTIFICATE OF SERVICE**

I certify that on November 24, 2025, I filed this document via the Court's CM/ECF system, which will email everyone requiring notice.

/s/ David L. Rosenthal  
David L. Rosenthal